

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Nov 08, 2021**

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

THERESA V.,<sup>1</sup>

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:20-cv-03242-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 16, 20**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 20, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorneys Jordan Goddard and Nancy Zaragoza represent Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6.

---

<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 20**, is **GRANTED**.

3 3. The above-captioned case be **REVERSED** and **REMANDED** to the  
4 Commissioner of Social Security for further administrative proceeding pursuant to  
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will instruct the ALJ to:

- 8 • Further develop the record;
- 9 • Offer Plaintiff the opportunity for a new hearing;
- 10 • Reevaluate the opinion evidence;
- 11 • Further consider Plaintiff's subjective complaints;
- 12 • Reassess the Plaintiff's residual functional capacity;
- 13 • Determine whether there are jobs in the national economy that Plaintiff  
14 could still do despite her limitations; and
- 15 • Issue a new decision.

16 *See* ECF No. 20 at 2.

17 3. Judgment shall be entered for **PLAINTIFF**.

18 4. Plaintiff's Motion for Summary Judgment, **ECF No. 16**, is **STRICKEN**  
19 **AS MOOT**.

1           5. Upon proper presentation, this Court consider Plaintiff's application for  
2 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

3           The District Court Executive is directed to enter this Order, **enter**  
4 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

5           DATED November 8, 2021.

6                               s/Mary K. Dimke  
7                               MARY K. DIMKE  
8                               UNITED STATES MAGISTRATE JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20